

### **Amendment to the Specification**

Applicants have amended the specification for the descriptions of Figures 2 and 5. These figures contain sequences and thus the sequence identification numbers have been added to the figure descriptions.

### **New Rejection Under 35 U.S.C. §112**

Claims 25-30 and 33-35 stand rejected under section 112 (second paragraph) as being indefinite because of use of the term "percent identical." In response, Applicants have followed the Examiner's suggestion and replaced "percent identical" with the term "percent identity" in all of the claims where it appeared. Use of the term "percent identity" is supported in the application at page 10, line 12, where it is defined along with "percent identical" and thus this amendment does not limit the scope of the claim..

Claims 33-36 were rejected under section 112, second paragraph, as indefinite for use of the term "Sp36" without the sequence identification number. In response, Applicants have amended claim 33 (and thus the claims dependent therefrom, by inserting "SEQ ID NO: 7" after the term Sp36 so that the sequence number is clearly identified. Claims 34-36 depend from claim 33 and likewise are corrected.

In addition, Applicants have amended claim 37 (found allowable) to remove the word "is" (believed to be grammatically incorrect) and thus clarify the wording of the claim. No change in subject matter was introduced by this amendment.

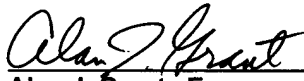
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The Commissioner is requested to charge any additional fees, or credit any refunds, to Deposit Acc't No. 03-0678.

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Respectfully submitted,



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### AMENDED SPECIFICATION

The paragraph at page 5, lines 21-24, was amended as follows:

Figure 2 shows an alignment between the Sp36 amino acid sequence from *S. pneumoniae* strain N4 (SEQ ID NO: 7) and the homologous sequences from *S. pyogenes* (SEQ ID NO: 2) and *S. agalactiae* (SEQ ID NO: 6). Amino acids identical to those of the polypeptide from *S. pneumoniae* are boxed.

The paragraph at page 6, lines 12-15, was amended as follows:

~~Figure 5 shows~~ Figures 5A-5C show the amino acid sequence for the GAS36 homologs with the histidine triad regions underlined (Fig. ~~5(a)~~ 5A (SEQ ID NO: 2) and ~~(b)~~ 5B (SEQ ID NO: 4)) and the sequence for a GBS36 homolog (Fig. ~~5(c)~~ 5C (SEQ ID NO: 6)) with its histidine triad regions underlined.



### AMENDED CLAIMS

25. (Twice Amended) An isolated polypeptide comprising an amino acid sequence with at least 75% identical sequence identity to the sequence of SEQ ID NO: 4 and wherein said polypeptide reacts with an anti-pneumococcal Sp36 antibody.

26. (Twice Amended) The isolated polypeptide of claim 25 wherein said amino acid sequence is has at least 90% identical sequence identity to the sequence of SEQ ID NO: 4.

27. (Twice Amended) The isolated polypeptide of claim 25 wherein said amino acid sequence is has at least 95% identical sequence identity to the sequence of SEQ ID NO: 4.

28. (Twice Amended) An isolated polypeptide comprising an amino acid sequence with at least 75% identical sequence identity to a sequence selected from the group consisting of SEQ ID NO: 2 and 4 wherein said polypeptide is present in an organism selected from the group consisting of Group A streptococci and *Staphylococcus aureus* and wherein said polypeptide reacts with an anti-pneumococcal Sp36 antibody.

33. (Twice Amended) An isolated polypeptide comprising an amino acid sequence at least 75% identical to a sequence selected from the group consisting of SEQ ID NO: 2 and 4, and wherein said polypeptide has a sequence with at least 25% identical sequence identity to the amino acid sequence of the Sp36 protein (SEQ ID NO: 7) of *Streptococcus pneumoniae*.

34. (Twice Amended) The isolated polypeptide of claim 33 wherein said amino acid sequence is has at least 90% identical sequence identity to the sequence of SEQ ID NO: 2.

35. (Twice Amended) The isolated polypeptide of claim 33 wherein said polypeptide is has at least 95% identical sequence identity to the sequence selected from the group consisting of SEQ ID NO: 2.

36. (Twice Amended) The isolated polypeptide of claim 33 wherein said polypeptide comprises a the sequence ~~selected from the group consisting of~~ SEQ ID NO: 2.

37. (Twice Amended) An isolated polypeptide comprising an amino acid sequence is selected from the group consisting of SEQ ID NO: 2 and 4.